

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C-02-1486 CW (EDL)

ORDER VACATING HEARING

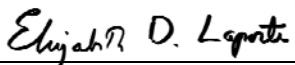
This document relates to ALL ACTIONS

On December 20, 2005, Lead Plaintiff filed a motion for issuance of a letter rogatory to the Superior Court of the Province of Ontario, Canada to obtain discovery from Thomas Pitre, a former JDS Uniphase employee who lives there. On January 3, 2006, Defendants JDS Uniphase and Kevin Kalkhoven filed statements of non-opposition to the issuance of the letter rogatory. The parties, however, ask the Court to make additional prospective orders regarding the procedure and scope of the discovery in Canada. Because this matter is appropriate for hearing without oral argument, the January 24, 2006 hearing is vacated. The Court grants Plaintiff's motion.

The Court declines to make any advisory rulings regarding the Canadian discovery. The parties should, of course, comply with applicable Local Rules. Questions regarding the scope of the discovery would appear to be more properly addressed to the Canadian court. The Court has no reason to doubt that the Canadian court will recognize the importance of this deposition and give each party an appropriate and fair opportunity to participate.

IT IS SO ORDERED.

Dated: January 18, 2006



ELIZABETH D. LAPORTE
United States Magistrate Judge